

**In The Claims**

Applicant is making the following claim amendments and is enclosing a clean copy of the claim amendment with this Response. The amendments are:

1(Amended). A method of producing a semiconductor device, comprising the step of:  
dry etching an upper layer pattern of an insulating film in a state where at least a part of the insulating film formed above an element separation [on] and a substrate is exposed; and  
exposing a surface of the insulating film to a film formation atmosphere of the insulating film prior to forming additional layers upon the insulating film after the dry etching.

**REMARKS**

Claims 1 and 2 are pending in the present application. Applicant is amending the drawings and claim 1.

**Response to Drawing Objection**

Applicant has made the change suggested by the Examiner and submits that the Examiner's Objection to the drawings has been addressed.

**Response to the 35 §103(a) Rejection**

The Examiner rejected claims 1 and 2 under 35 §103(a) as being unpatentable over the Applicant's admitted prior art and in view of Nakajima et al. (U.S. Patent 6,133,150, hereafter the '150 patent) and Muroyama (U.S. Patent 6,126,514, hereafter the '514 patent).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the